

REMARKS

Claims 23, 25, 28, 30-33, 35-38, and 41-45 have been rejected under 35 U.S.C. § 112, first paragraph, as containing a phrase as to accessing "the cellular radio telephone optionally both separately from accessing said component and simultaneously therewith", which the Office states is not described in the original application.

While decidedly not agreeing, applicants, in order to try once again to expedite allowance, have eliminated this phrase from these claims.

As for claims 41 and 42, the Office has also found objectionable other phrases for which it also states it has found no original disclosure support.

Specifically, as to the Office statement that the phrase "the play back dictation is automatically effected a predetermined time after the dictation recording" in claim 41 is not disclosed, this is, with respect, also entirely in error.

This very concept was introduced first on page 11 of the *original* application:

"should the operator desire the dictation or other message to be transmitted *automatically* to a remote station to which the cellular radio telephone is dialed... it may be done later... *after a certain desired monitored time has elapsed...*"

The application later teaches suitable circuits for effecting this. On page 13,

"In the event, however, it is not desired to transmit to the remote station at the time of dictation, namely Option O₄ of Fig. 2, then before-mentioned Option O₂ may be initiated a desired time to effect previously described rewinding and then play back Steps V and VI, with a selection of Step VIII of Option O₄ (button PL-TX, Fig. 1) enabling "CONNECT" switching gate C₂ to feed the output of the playback amplifier(s) directly to modulate the cellular telephone radio transmitter circuit at M¹, as before explained."

Finally, the additional teaching on pages 13 and 14 of the original specification summarized this clear teaching to anyone skilled in this art:

"The time selected for the playback *transmission of the recorded dictation* or other message via the cellular telephone radio line C to the remote station RS may be arbitrary or automatic, including after a *predetermined length of time has been monitored* at Step VIII, Fig. 2..."

Equally incorrect is the Office criticism of the alleged lack of disclosure support for the phrase in claim 42 of "the played-back duration is effected after a predetermined number of dictation recordings". In the very same disclosures above quoted, applicants' original application also specifically taught that

"should the operator desire the dictation or other message to be transmitted automatically to a remote station to which the cellular radio telephone is dialed... it may be done later... *when a certain number of dictated inputs have been effected...*" (page 11); and

"after... *a certain number of messages or inputs has been effected...*" (page 14).

[It is further noted that, though these phrases have been used in prior claims of record for several years (claim 17, 18), they have never previously been so criticized - only suddenly at this late date.]

Lastly, and also totally incomprehensibly to applicants, the Office states, in connection with claims 43 and 44, that a "disc was not described" in the application as filed.

With respect, this is also entirely in error. "Discs" were specifically described on page 1, line 4 ("discs"); page 7, line 2 ("disc cassette"); and bottom of page 16 and top of page 17 ("laser and other discs").

Withdrawal of the 35 U.S.C. § 112 rejection thus appears to be in order and is accordingly respectfully requested.

The Prior Art Rejection

All of the claims have been rejected under 35 U.S.C. § 103 (a) as the "obvious" incorporation of the voice-command teaching of the Dubus patent into the steering-wheel-controlled cellular telephone installation of the patent to Ishikawa et al.

While conceding that

"Ishikawa et al is silent ... as to a voice controlled switching mechanism programmed with and responsive to a plurality of pre-designated separate voice commands for operation of an 'entertainment deck' and cellular radio telephone",

the Office states that such is taught in Dubus, relying specifically on the passages in column 4, lines 56 through column 5, line 15, and column 3, lines 25-27 and 30-31.

First, the Office identifies Dubus elements "8 and 9" as the patent's "entertainment deck", and identifies the "cellular radio telephone" as represented at 12. The Office specifically references Dubus column 3, line 25, which calls for "a car radio such as that of the PHILLIPS company... for units 9 and 10"; and line 30, that identifies "a radio telephone... of the THOMSON company for unit 12."

The Office then specifically relies on the disclosure of Dubus column 4, line 56 through column 5, line 15, for allegedly anticipating "a plurality of pre-designated separate commands for operation of 'entertainment deck' 8 and 9 and cellular radio telephone". But absolutely nothing in Dubus column 4, line 54 through column 5,

line 15, however, has anything whatsoever to do with switching the Phillips car radio. The only voice words described are for specifically testing the radio telephone "integration" routine, and absolutely nothing more. There isn't even the slightest hint, let alone disclosure, of driver words being spoken for switching the car radio on and off as in applicants' concepts.

Applicants' Present Claims

Applicants' claims fall broadly into two groups.

Group One - Claims 23, 25, 28, 30, 31, 33, 38, 16, 17, 18, 19 and 20; and

Group Two - Claims 35, 36, 37, 39, 40, 41, 42, 43, 44, 45 and 46.

Group One

The claims of Group One, of which claim 23 may be considered exemplary, embrace applicants' type of driver voice-command operation of a vehicle entertainment deck -- in this case, a two-component deck -- (1) a pre-recorded storage-medium component and (2) a dictation recorder component -- and also of a vehicle cellular radio telephone. Applicants provide and claim a separate predesignated voice command for enabling the voice-controlled switching operation in the vehicle of the entertainment deck storage medium player component, and a separate voice command for the voice-controlled switching operation of the dictation recorder component. Still a separate voice command is provided for activating the cellular radio telephone.

This is certainly not at all what is found in Dubus column 4, line 56 through column 5, line 15 above discussed!

This hardly reads on the specific limitations of claim 23, above quoted, or applicants' concept of operating a plurality of entertainment deck components, (claims 28, 25, 30, 31, 33 and 38) each by its own separate voice command, and apart from the different voice command operation of the cellular radio telephone.

Dependent claims 16-20 contain all the same limitations, incorporating also steering wheel features as cooperating with and in the novel total claimed combination.

Group Two

The claims of Group Two contain all the same novel and distinguishing limitations of the claims of Group One, and additionally call for applicants' novel further relaying of the entertainment deck component outputs over the cellular radio telephone -- claim 40, for example, reciting relaying the dictation recorder playback over the cell phone; claim 43, relaying the disc player content; claim 45, relaying the AM/FM received radio transmissions -- all totally outside the scope of the references, individually or combined. The Office certainly has made no attempt to show where these actual claim limitations are actually found in Ishikawa et al or Dubus or in any combination thereof -- just a blanket rejection.

The above, it is submitted, however, demonstrates that applicants' claims are clearly allowable, and reconsideration and allowance are therefore respectfully requested.


Applicants are at the end of the line trying to find reasonableness, instead of long-time stonewalling and the raising of new issues in holding back what applicants appreciate may be a very significant patent in the automobile industry. Because a broad patent may issue to little inventors, is however, no reason for this rejection process.

Should the Office still persist in this rejection, entry of this amendment for purposes of appeal appears to be in order and is respectfully requested, particularly since the claim amendments basically merely remove language to which the Office has objected, and raise no new issues whatsoever.

All costs incurred herein, including for any required time extension(s) in the application, petition for which is hereby made, and all other costs incurred herein, may be charged to the Deposit Account No. 18-1425 of the undersigned attorneys.

Respectfully submitted,

RINES AND RINES

By: 

Robert H. Rines

Registration No. 15,932

Date: April 17, 2006
RINES AND RINES
81 North State Street
Concord, NH 03301
Tel: (603) 228-0121